

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NAIM H. AL-JABERY,)	4:06CV3157
)	
Plaintiff,)	
)	
vs)	MEMORANDUM
)	AND ORDER
CONAGRA FOODS, INC.,)	
)	
Defendant.)	

This matter is before the court upon a motion by Plaintiff seeking leave to proceed on appeal in forma pauperis and seeking appointment of counsel (filing 54). Plaintiff has submitted an “Application to Proceed without Prepayment of Fees and Affidavit” (filing 53), which supports his allegation of poverty and operates as a second motion for leave to appeal in forma pauperis.

I will grant leave to appeal in forma pauperis. I will deny the motion in filing 54 to the extent it seeks appointment of counsel, as this court lacks jurisdiction to appoint counsel on appeal in a civil case.

IT IS ORDERED:

1. The motion in filing 53 is granted and Plaintiff shall be allowed to proceed without payment of the filing fee;
2. The motion in filing 54 is granted to the extent it seeks leave to appeal

in forma pauperis and denied to the extent it seeks appointment of counsel on appeal.

November 27, 2007.

BY THE COURT:

s/Richard G. Kopf
United States District Judge